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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

NICHOLAS MENDOZA HIMAN,

Defendant.

No. 20-MJ-70714

**STIPULATION AND [PROPOSED] ORDER
CONTINUING STATUS CONFERENCE**

On June 8, 2020, the Court conducted an initial appearance for Nicholas Mendoza Himan, who stands charged by Complaint with possession with intent to distribute or distribution of methamphetamine, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B)(viii). The defendant has waived his right to a preliminary hearing. *See* Dkt. 9. The parties are engaged in discussions about the possibility of a pre-Indictment resolution to this matter, and the government has produced discovery to the defendant.

Therefore, the parties hereby stipulate and agree:

1. The status conference scheduled for September 17, 2020 should be continued to September 30, 2020 at 10:30 a.m. before the duty magistrate judge.

2. The time between September 17, 2020 and September 30, 2020, should be excluded under the Speedy Trial Act because failure to grant the requested continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. *See id.* § 3161(h)(7)(A).

IT IS SO STIPULATED.

DATED: September 16, 2020

Respectfully submitted,

DAVID L. ANDERSON
United States Attorney

/s/
DANIEL PASTOR
Assistant United States Attorney

STEVEN G. KALAR
Federal Public Defender

DATED: September 16, 2020

/s/
SEVERA KEITH
Counsel for Defendant Nicholas Mendoza Himan


~~[PROPOSED]~~ ORDER

Based upon the facts set forth in the stipulation of the parties and for good cause shown, the Court finds that exclusion from the time limits applicable under 18 U.S.C. § 3161 (the Speedy Trial Act) for the period from September 17, 2020, through September 30, 2020, is warranted because failure to exclude time would unreasonably deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in the filing of an information or indictment within the time period set forth in 18 U.S.C. § 3161(b). 18 U.S.C. § 3161(h)(7)(A).

The status conference previously scheduled for September 17, 2020, is continued to September 30, 2020 at 10:30 a.m. before the duty magistrate judge.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: September 16, 2020


HON. VIRGINIA K. DEMARCHI
United States Magistrate Judge